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10/525,948

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Olivier Boulay

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EXAMINER

BLACK, MELISSA ANN

ART UNIT

PAPER NUMBER

3612

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/525,948

Applicant(s)

BOULAY ET AL.

Examiner

Melissa A. Black

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 19-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>2/28/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 19-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "can be" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. Can be should be removed from all claims in which it appears.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 19-23 and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 4330559 to Kreth.

Re claim 19, Kreth discloses a motor vehicle body having support structure which is composed of large-size partial modules comprising: a basic module (1, Fig 1) having lateral longitudinal members (4, 4a) and a body floor (11), and reaching laterally as far as front wall columns (5, 5a); and a front end module (2, Fig 1) forming at least part of a front crumple zone

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(18) of the motor vehicle and supported in a crash stable manner on the basic module when the support structure is assembled; wherein a front end region of the body floor (12) belongs to the front end module (2) and extends rearward over a considerable length region of the basic module (1) between lateral longitudinal member sections (4, 4a). Re claim 20, the front end module comprises longitudinal member sections (Figures 1 and 2), which laterally bound the front end region of the body floor (12) and can be connected to the lateral longitudinal member sections (4, 4a) of the basic module (1). Re claim 21, the longitudinal member sections include mutually assigned, lateral longitudinal member sections of the front end module (2) and of the basic module (1) which have joining surfaces that are matched to each other and extend over at least approximately an entire overlapping length of the mutually assigned longitudinal member sections. Re claim 22, the length of the joining surfaces corresponds approximately to the length of an adjacent, front end region of the body floor (12). Re claim 23, the longitudinal member sections of the front end module and the front end region of the body floor extend rearward to approximately the same distance. Re claim 26, upwardly protruding column sections (5, 5a) which can be connected to the front end module are arranged at the front ends of the lateral longitudinal member sections (4, 4a) of the basic module (1). Re claim 27, upwardly protruding column (Figure 1) sections between which a front end wall (20, 20a) is fastened are arranged on the lateral longitudinal member sections of the front end module (2). Re claim 28, upwardly protruding column sections of the front end module and of the basic module are connected to each other at joining surfaces (9, 9a, 19, 19a), which are matched in each case to each other, to form front wall columns.

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 24, 25, 30 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 4330559 to Kreth in view of US Pat # 6,131,284 to Basler.

Re claim 24, Kreth fails to disclose longitudinal member sections of the front end module and of the basic module has a box profile which is closed in cross section.

Basler teaches the use of longitudinal members including a box profile with a closed cross section (12, Fig 1).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include the box profile, closed cross section, longitudinal members of the basic and front module to strengthen the longitudinal members when the modules are connected.

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Re claim 25, Kreth fails to disclose each of the box profiles of the longitudinal member sections of the front end module and of the basic module have cross sections, which are varied over their length.

Basler teaches the use of varied cross sections of the longitudinal members (12) of the basic module (2) and of the front module (1, Figure 3). Longitudinal member of the front module tapers as connecting to the column, and the longitudinal member of the basic module varies from a larger cross section towards the rear to a smaller cross section towards the front of the vehicle.

It would have been obvious to have the longitudinal members vary in cross section as taught by Basler on the device of Kreth in order to configure the overlapping fit of both longitudinal members the basic and front modules.

Re claim 30, Kreth fails to disclose the front end region of the vehicle body floor which belongs to the front end module is connected in an overlapping manner to a region of the body floor which belongs to the basic module.

Basler teaches the overlapping of the front end region of the vehicle body floor with the body floor of the basic module at the floor connections (19, Figure 1).

It would have been obvious to one with ordinary skill in the art to overlap the basic and front module body floor of Kreth as taught by Basler in order to increase the load bearing of the vehicle floor.

Re claim 36, Kreth fails to disclose the support structure is to be lined with outer panel parts, wherein joining points of the partial modules are to be covered by the outer panel parts.

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Basler teaches the use of out panel (3) used to cover the connection parts of the partial modules (Fig 2). It would have been obvious to one with ordinary skill in the art at the time the invention was made to further strengthen the connections of the partial modules.

8. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 4330559 to Kreth in view of US Pat # 5,619,784 to Nishimoto et al.

Kreth fails to disclose the upwardly protruding column sections of the front end module and of the basic module each have a box profile which is closed in cross section, and extend to approximately level with the side wall edge of the support structure.

Nishimoto et al discloses the use of upwardly protruding column sections (6, 6A, 6B) of the front end module and of the basic module each have a box profile which is closed in cross section (Column 6, lines 13,14,20,21) and extend to approximately level with the side wall edge (8) of the support structure.

It would have been obvious to make the columns of Kreth with the closed cross sections as taught by Nishimoto et al in order to strengthen the columns of the support structure.

9. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 4330559 to Kreth in view of US Pat # 6,626,477 to Maynard et al.

Kreth discloses the basic module ends behind rear wheel houses, but fails to disclose that it can be connected to a rear module which, when the support structure is assembled together with the rear end region of the basic module, belongs to a rear crumple zone of the motor vehicle.

Maynard et al teaches the use of a rear crumple zone (Column 6, lines 17-26) on the motor vehicle connected to a rear module (Figure 2).

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It would have been obvious to one with ordinary skill in the art at the time the invention was made to include the rear module of Maynard et al on the device of Kreth in order to crumple in a manner to not impede the function of this crumple zone in the vehicle, rear and basic module.

10. Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 4330559 to Kreth in view of US Pat Application # 2001/0033096 to Hanyu.

Re claim 32, Kreth fails to disclose a roof module placed onto the basic module and the front end module, and wherein front roof columns of the roof module can be supported both on the basic module and on the front end module.

Hanyu teaches the use of the roof structure (2) placed on the basic module (3) and front end module, wherein the front roof columns (6) of the roof module (2) can be supported both on the basic module and on the front end module.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include the roof structure as taught by Hanyu on the device of Kreth to further strengthen the support structure of the vehicle.

Re claim 33, Hanyu also teaches the roof module (2) comprises a crossmember (7) which runs below a windshield and via which front wall columns are connected to each other.

Re claim 34, Hanyu teaches a B-column (25) can be fastened between the roof module and the basic module (Fig 9).

Re claim 35, Hanyu teaches a side wall module (26, 26A, 26B) fastened in each case to the basic module above each longitudinal member and extends from behind a front side door as far as a rear door column.

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It would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teachings of Hanyu on the device of Kreth to further strengthen the support structure of the vehicle body.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa A. Black whose telephone number is (571) 272-4737. The examiner can normally be reached on M-F 8:30-5:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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2/27/07

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